

Amendments to House Bill No. 331
3rd Reading Copy

Requested by Senator Mike Wheat

For the Senate Judiciary Committee

Prepared by Pat Murdo
March 23, 2005 (7:54am)

1. Title, page 1, line 5.
Strike: "AND"

2. Title, page 1, line 6.
Strike: "ALL"
Insert: "CERTAIN"
Following: "INSURANCE"
Insert: "; AND AMENDING SECTION 33-11-105, MCA"

3. Page 1, line 28.
Following: the first "insurance"
Insert: ", excluding premiums on professional malpractice insurance and premiums written by a risk retention group as defined in 33-11-102,"

4. Page 2, line 4.
Strike: "OR"
Insert: "and"

5. Page 2, line 5.
Following: "policies"
Insert: "but excluding insurers writing professional malpractice insurance and risk retention groups"

6. Page 7.
Following: line 12
Insert: "Section 15. Section 33-11-105, MCA, is amended to read:
"33-11-105. **Compulsory associations.** (1) A risk retention group may not join or contribute financially to any insurance insolvency guaranty fund or similar mechanism in this state. In addition, a risk retention group or its insureds may not receive any benefit from any guaranty fund for claims arising out of the operations of the risk retention group.
(2) (a) A Except as provided in subsection (2)(b), a risk retention group shall participate in this state's joint

underwriting associations, mandatory liability pools, and similar mechanisms.

(b) A risk retention group is excluded from participating in the joint underwriting association provided for in [section 3] and related financing mechanisms.

(3) When a purchasing group obtains insurance covering its members' risks from an insurer not authorized in this state or from a risk retention group, the risks, wherever resident or located, may not be covered by any insurance guaranty fund or similar mechanism in this state.

(4) When a purchasing group obtains insurance covering its members' risks from an authorized insurer, only risks resident or located in this state may be covered by the state guaranty fund, subject to Title 33, chapter 10, part 1."

{Internal References to 33-11-105: None.}"

Renumber: subsequent section

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